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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,400	07/15/2004	Patrick Legeai	0513-1109	2545

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EXAMINER	
NICHOLSON, ERIC K	

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

Office Action Summary	Application No.	Applicant(s)	
	10/501,400	LEGEAI ET AL.	
	Examiner	Art Unit	
	Eric K Nicholson	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 13-24 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 13-24 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7-15-04.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections –35 USC § 112

Claims 13-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 13, lines 4-5, "the end faces" lacks proper antecedent basis. In claim 13, line 10, it is unclear what "them" refers to. In claim 13, line 15 and claim 14, line 3, it is unclear how or what the means (51) is "axial blocking". Claim 15 appears to be confused as the described "fixing means" are not on the abutment means, but rather it is the abutment means that includes the snap fit tabs (56). In claim 18, "the first and second rings" lacks proper antecedent basis.

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-17 and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 5,547,229 to Eidsmore. The Eidsmore coupling illustrates in fig. 9 pipe elements 14,102 with terminal end portions having a seal 40 there between, fixing means 50 extending beyond the end portions and abutment means in the form of removable bush 60 on the terminal end portion and removable bush 110 which are split longitudinally as shown in figs. 7 and 10A to fit on the pipe element. As to claim 15, note the snap fit tabs 200, 202 in fig. 11B.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to

which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 13,14,16,18,20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 448,717 to Hogan in view of U.S. patent 6,354,636 to Matsuzawa et al. Hogan discloses the claimed device in fig. 1 with pipe elements "*a*" with terminal end portions "*b* '", fixing means "*d,d* '" extending beyond the end portions and abutment means in the form of removable bushes "*c,c* '" on the terminal end portion which are split longitudinally as shown in figs. 5 to fit on the pipe element. However, the sealing of the coupling relies on the metal-to-metal contact between the two leaded pipe ends. The Matsuzawa et al. coupling illustrates in fig. 4 what it is common known in the art, to provide a *similar* type coupling wherein the pipe end portions include a seal 110 there between. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the coupling of Hogan with a sealing gasket such as sealing gasket 110 as taught by Matsuzawa et al., in order to provide a more reliably sealed and updated coupling for non-lead present day tubes being connected since providing a sealing gasket between coupled pipes is notoriously well known and does not patentably define over the prior art. As to claims 20 and

21 note the shape of the gasket 110 provides inner and outer tubular sections around the pipe end portions.

Claims 13,14,16,18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 448,717 to Hogan in view of U.S. patent 2,761,702 to Noel. Hogan discloses the claimed device in fig. 1 with pipe elements "*a*" with terminal end portions "*b* ", fixing means "*d,d* " extending beyond the end portions and abutment means in the form of removable bushes "*c,c* " on the terminal end portion which are split longitudinally as shown in figs. 5 to fit on the pipe element. However, the sealing of the coupling relies on the metal to metal contact between the two leaded pipe ends. The Noel coupling illustrates in fig. 2 what it is common known in the art, to provide a *similar* type coupling wherein the pipe end portions include a metal seal 21 there between, column 2, line 31. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the coupling of Hogan with a sealing gasket such as metal sealing gasket 21 as taught by Noel, in order to provide a more reliably sealed and updated coupling for non-lead present day tubes being connected since providing a sealing gasket between coupled pipes is notoriously well known and does not patentably define over the prior art.

Allowable Subject Matter

Claims 19 and 22 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for Technology Center 3600 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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